

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DIVISION  
Abingdon Division**

KYMBERLY HOBBS, ADMINISTRATOR  
OF THE ESTATE OF CHARLES JAMES GIVENS,  
DECEASED,

Plaintiff,

Civil Action No.: 1:23cv00003

v.

ANTHONY RAYMOND KELLY, *et al.*,

Defendants.

**PLAINTIFF’S MOTION TO SEAL**

Plaintiff Kymberly Hobbs, Administrator of the Estate of Charles James Givens, Deceased, by counsel, moves to seal certain exhibits identified in Plaintiff’s Second Amended Pretrial Disclosures (ECF No. 181). Specifically, she seeks to seal the exhibits below, which the Virginia Department of Corrections (“VDOC”) contends contains confidential information. Plaintiff moves that the following exhibits, which will be uploaded to Box.com per the Court’s Trial Order (ECF No. 170), be filed under seal. Such filing will not restrict the use of the exhibits at trial.

<b>Plaintiff’s Ex. No.</b>	<b>Description</b>
9	VDOC Disciplinary Offense Report
22	Diagram of a Portion of Marion Correctional Treatment Center (“Marion”)
26	Incident Report from Marion
37	Video from Marion
38 A-D	Video from Marion
68 A-K	Grand Jury Testimony

69	Image from Marion
70	Image from Marion
71	Image from Marion
72	Image from Marion
73	Video from Marion
74	Image from Marion
75	Image from Marion
76	Image from Marion
77	Image from Marion
78	Video from Marion
79	Image from Marion
80	Video from Marion
81	Video from Marion
82	Image from Marion
83	Image from Marion
144	Investigative Report from Marion

Apart from the foregoing materials, Plaintiff will file certain documents in redacted form, but not under seal. Some of these documents contain sensitive information about imprisoned persons beyond the Plaintiff's decedent. Prior to uploading the documents to Box.com, Plaintiff will redact prisoner names, social security numbers, and other identifiers and information subject to confidential treatment. VDOC asserts that the documents/photos/diagram identified in the table above implicate security concerns. For these materials, redaction would be insufficient to meet the concerns of the Virginia Department of Corrections. Pursuant to VDOC concerns and its previous

designation of the materials as “Confidential,” Plaintiff moves to permanently seal these materials or defer a ruling on the permanent sealing of the documents until after trial. The accompanying proposed Order makes clear that filing the materials under seal would not restrict the use of the materials at trial. (The proposed Order, in Word form, will be emailed to Chambers this morning.)

Per the requirements of Local Rule 9(b), a proposed Order is being filed alongside this Motion, and copies of the above-identified exhibits are being submitted to the Clerk’s office. The exhibits will be submitted via Box.com per the Court’s Trial Order (ECF No. 170).

Respectfully submitted,

KYMBERLY HOBBS, Administrator of the Estate  
of Charles James Givens, Deceased.

By:           /s/ Mark J. Krudys            
Counsel

Mark J. Krudys (VSB No. 30718)  
Danny Zemel (VSB No. 95073)  
THE KRUDYS LAW FIRM, PLC  
919 East Main Street, Suite 2020  
Richmond, Virginia 23219  
Phone: (804) 774.7950  
Fax: (804) 381.4458  
Email mkrudys@krudys.com; dzemel@krudys.com

C. Paul Stanley, III (VSB No. 36789)  
C. PAUL STANLEY ATTORNEY AT LAW  
390 West Spring Street  
Wytheville, VA 24382  
Phone: (276) 228-4003  
Fax: (276) 276-228-2984  
Email: cpst3d@gmail.com

*Counsel for Plaintiff Kymberly Hobbs, Administrator of the Estate of Charles James Givens,  
Deceased*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of March 2025, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing all counsel of record.

By: /s/ Mark J. Krudys  
Counsel

Mark J. Krudys (VSB# 30718)  
THE KRUDYS LAW FIRM, PLC  
Truist Place  
919 E. Main Street, Suite 2020  
Richmond, VA 23219  
Phone: (804) 774-7950  
Fax: (804) 381-4458  
Email: mkrudys@krudys.com  
*Counsel for Plaintiff*